

JUN 24 2010

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOHN S. CROSWELL, III, and LINDA C.  
CROSWELL,

Plaintiffs,

vs.

UNION PACIFIC RAILROAD COMPANY, et  
al.,

Defendants.

3:08-CV-00445-RCJ-(VPC)

**MINUTE ORDER**

June 16, 2010

THE HONORABLE ROBERT C. JONES, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: NONE APPEARING REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

On May 21, 2010, Plaintiffs filed five motions in limine (#45, 46, 47, 48, 49). On May 23, 2010, Defendants filed a single motion containing eight motions in limine (#50). The Court heard oral argument on the motions on June 11, 2010. Because Defendants' first motion in limine merits more detailed discussion, the Court intends to issue a written order with conclusions of law for Defendants' first motion in limine. The Court also expects further briefing on the issue in Defendants' first motion in limine during the selection of jury instructions. The Court notes that its rulings on motions in limine are preliminary and the Court reserves the right to revisit its rulings during the trial. The Court has considered the parties' responses and oppositions as well as the parties' oral argument. For the reasons stated on the record, the Court now issues the following order.

1 IT IS HEREBY ORDERED that Plaintiffs' First Motion in Limine (#45) is GRANTED.

2 IT IS FURTHER ORDERED that Plaintiffs' Second Motion in Limine (#46) is  
3 GRANTED.

4 IT IS FURTHER ORDERED that Plaintiffs' Third Motion in Limine (#47) is DENIED.

5 IT IS FURTHER ORDERED that Defendants shall immediately provide Plaintiffs with  
6 the full surveillance video Defendants caused to be taken on May 5 and 6, 2010.

7 IT IS FURTHER ORDERED that Plaintiffs' Fourth Motion in Limine (#48) is DENIED.

8 IT IS FURTHER ORDERED that Plaintiffs' Fifth Motion in Limine (#49) is GRANTED  
9 IN PART AND DENIED IN PART. Counsel shall not refer to opposing counsel's place of  
10 residence during argument, but may do so during voir dire.

11 IT IS FURTHER ORDERED that Defendants' Motions in Limine (#50) is GRANTED IN  
12 PART AND DENIED IN PART.

13 IT IS FURTHER ORDERED that Defendants' first motion in limine is DENIED. The  
14 Court intends to issue a written order with conclusions of law for Defendants' first motion in  
15 limine. The Court also expects further briefing on the issue in Defendants' first motion in  
16 limine during the selection of jury instructions. This ruling is without prejudice to potential jury  
17 instructions.

18 IT IS FURTHER ORDERED that Defendants' second motion in limine is DENIED.  
19 Plaintiffs, however, are reminded that they must show proper foundation for Union Pacific  
20 Railroad Co.'s clearance standards at trial.

21 IT IS FURTHER ORDERED that Defendants' third motion in limine is GRANTED.

22 IT IS FURTHER ORDERED that Defendants' fourth motion in limine is GRANTED. The  
23 Court excludes the accident report except under potential hearsay exceptions.

24 IT IS FURTHER ORDERED that Defendants' fifth motion in limine is GRANTED. The  
25 Court excludes evidence of Preston Grieve's qualifications except for potential impeachment  
26 purposes.

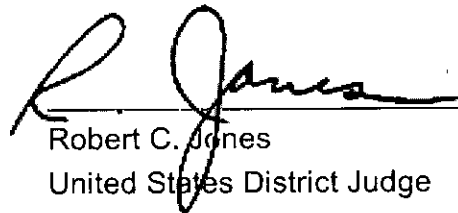
27 IT IS FURTHER ORDERED that Defendants' sixth motion in limine is GRANTED.

28 IT IS FURTHER ORDERED that Defendants' seventh motion in limine is GRANTED.

1 IT IS FURTHER ORDERED that Defendants' eighth motion in limine is GRANTED.  
2 The Court excludes Plaintiffs' witnesses Joe Carter, John Passi, John Conklin, and Edward  
3 Pritchard except for potential impeachment purposes.

4 IT IS SO ORDERED.

5 DATED this 23 day of June, 2010.  
6  
7

8   
9 \_\_\_\_\_  
10 Robert C. Jones  
11 United States District Judge  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28